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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,994	01/13/2004	Christina B. Tomlin	15281US01	1468

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EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,994

Applicant(s)

TOMLIN ET AL.

Examiner

Igor Kershteyn

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,4,7-10,15,16,21-23 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6,11-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 05/09/2005 have been fully considered but they are not persuasive.

Claims 1-23 are pending. New claims 21-23 have been added.

Claims 3, 4, 12, and 18 have been amended to correct claim objections and rejection under 35 U.S.C. 112. These corrections are appreciated.

In the arguments Applicant generally stated that member "Canna et al. does not teach a connection feature extending from a cover or sleeve". This statement is not agreed with because Canna et al., in column 4, lines 38-42, recites "The entertainment member 300 can include four fingers 304 that each has a hanging structure 400 attached thereto by a strip of fabric 314."

Further, Applicant states that "Additionally, with respect to claims 4, 8, and 15, neither Canna et al., nor Anetrini, teaches or suggests that the rear or side ends of the sleeve or cover are sewn or stitched together." This statement is not agreed with because Canna et al. clearly show the rear and side ends of the cover sewn or stitched together, as well as Anetrini shows the abovementioned limitations in figure 8.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

Art Unit: 3745

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine references of Canna et al. and Anetrini is provided by Examiner in page 4 of the first Office action and is purpose of providing an easily removable cover that can be selectively decorated in a manner pleasingly harmonious with the room decor.

In response to applicant's argument that Canna et al. and Anetrini are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Canna et al. and Anetrini are reasonably pertinent to the particular concern which is providing a decorating cover for a rotating structure such as ceiling fan or a rotating mobile.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7-10, 15, 16, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canna et al. (6,464,594) in view of Anetrini (5,516,264).

Art Unit: 3745

Canna et al., in figures 1b, 6, 7, and column 5, lines 24-30, 42-46, teaches cover 309 for a fan blade, comprising: a sleeve 311, an ornament 400; and connection features 314 extending from said sleeve 311 and said ornament 400, said connection features 314 engaging each other to connect said ornament 400 to said sleeve 311 such that, as said fan blade rotates, said sleeve 311 and ornament 400 rotate therewith.

Canna et al. doesn't teach the sleeve having an open end for receiving said fan blade, said sleeve having hook and loop fasteners that are configured to engage each other to secure said sleeve about said fan blade.

Anetrini, in figures 1-5, teaches a fan blade cover sleeve 10 having an open end 18 for receiving a fan blade 16, said sleeve 10 having hook and loop fasteners 32a, 32b that are configured to engage each other to secure said sleeve 10 about said fan blade 16.

Since Canna et al. and Anetrini are analogous art because they are from the same field of endeavor, that is the covers art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the sleeve of Canna et al. with the open end and hook and loop fasteners as taught by Anetrini for the purpose of providing an easily removable cover that can be selectively decorated in a manner pleasingly harmonious with the room decor.

Allowable Subject Matter

Claims 17-20 are allowed.

Art Unit: 3745

Claims 2, 3, 5, 6, and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

Art Unit: 3745

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

June 15, 2005



Igor Kershteyn
Patent examiner.
Art Unit 3745



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

6/24/05